

PHARMACY EXAMINING BOARD  
REGULAR MEETING  
SEPTEMBER 11, 2001

MEMBERS PRESENT: Cynthia Benning, RPH; Michael Bettiga, RPH; John Bohlman, RPH; Dan Luce, RPH; Charlotte Rasmussen; Sue Sutter, RPH

MEMBER EXCUSED: Georgina Forbes

LEGAL COUNSEL: William Black

STAFF PRESENT: Patrick D. Braatz, Karen Rude-Evans

GUESTS: Larry Edwards, DOC; Susan Kleppin, PSW; Kent Pearson, Abbott Labs; Elizabeth Nelson, Women's International Pharmacy; Chrissy Buechbauer and Karen Merrill, Osco Drug; Franklin LaDien and Al Bennin, Walgreen Co.; Jamie Statz Paynter, Dean Pharmacy

CALL TO ORDER

Chair John Bohlman called the meeting to order at 9:10 a.m.

APPROVAL OF AGENDA

Amendments: -Proposed Stipulation – Chad Rindy, R.Ph.  
-Proposed Stipulation – Thomas G. Pire, R.Ph.  
-NABP registration form  
-Memo from LeeAnn Cooper regarding state consent orders

MOTION: Michael Bettiga moved, seconded by Dan Luce, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF AUGUST 14, 2001

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to approve the Minutes of August 14, 2001, as written. Motion carried unanimously.

SECRETARY OSCAR HERRERA

Secretary Herrera spoke to the Board regarding the recently passed budget bill. All agencies were asked to cut their budgets by 5%. DRL fared well as its 5% cut came from the reserve fund. Three additional positions have also been allotted for DOE. The Governor vetoed the item in the budget bill that would have required one member of the Pharmacy Examining Board to be from an institutional pharmacy.

PUBLIC HEARING ON PROPOSED RULES RELATING TO EXAMINATIONS FOR  
ORIGINAL LICENSURE AND FOR PERSONS LICENSED IN ANOTHER STATE

Chair John Bohlman called the public hearing to order at 9:17 a.m. No speakers registered. The hearing was adjourned at 9:21 a.m.

PUBLIC HEARING ON PROPOSED RULES RELATING TO THE REQUIREMENTS FOR  
AN APPROVED CENTRAL FILL SYSTEM

Chair John Bohlman called the public hearing to order at 9:21 a.m. Sue Kleppin, PSW spoke and suggested some language changes. There were no other speakers. The hearing was adjourned at 9:26 a.m.

PRESENTATION OF PROPOSED STIPULATIONS

THOMAS W GISWOLD, RPH

DOE attorney Arthur Thexton presented a proposed stipulation in the matter concerning Thomas W. Giswold, R.Ph. This matter will be deliberated on in closed session.

THOMAS W MOORE, RPH

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JAMES R GROVES, RPH

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ST JOSEPH'S HOSPITAL PHARMACY

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CHAD RINDY, RPH

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THOMAS G PIRE, RPH

DOE attorney Arthur Thexton presented a proposed stipulation in the matter concerning Thomas G. Pire, R.Ph. This matter will be deliberated on in closed session.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND  
ADMINISTRATIVE RULES

These reports were informational.

UPDATE ON THE DRUG TESTING PROGRAM

LeeAnn Cooper presented information on language used by other state boards to order drug testing. It has been suggested that a minimum and maximum number of screens be put into the orders. This would give the licensee a sense of the financial commitment for the screens and also keeps the possibility of more screens being requested.

DISCUSSION OF TRANSITION OF PHARMACY INTERNSHIP BOARD FUNCTIONS TO  
THE PHARMACY EXAMINING BOARD

Paul Rosowski resigned his position as executive director of the PIB and he will not be replaced. Nathan Kanous is the current chair of the PIB, however there is no staff to fulfill any of the functions. DRL and the Pharmacy Examining Board do not have the statutory authority to take on these responsibilities at this time. Patrick Braatz and John Bohlman met with Secretary Herrera yesterday to discuss this situation. Secretary Herrera will contact Dean Mel Weinswig to see what can be done to meet the needs of the students. The PIB handles approximately 100 new applications each year, and annually monitors an approximate total of 400 students.

DISTRIBUTOR/MANUFACTURER'S APPLICATIONS

MOTION: Cynthia Benning moved, seconded by Dan Luce, to approve the distributor applications of **Baxter Healthcare Corp, MA; Baxter Hyland Immuno, MI; First Community Care, LLC, Madison; Fujisawa Healthcare Inc, NY; Halsey Drug Company, Inc, NY; Redline Medical Supply, Inc., IL; Redline Medical Supply, Inc., MN; Pfizer, Inc., IN; Pfizer, Inc., MO; Pfizer, Inc., NE; Pfizer, Inc., GA; Pfizer, Inc., NY, and Pfizer, Inc., TX.** Motion carried unanimously.

2001 ASSEMBLY BILL 457 RELATING TO MANDATORY OVERTIME HOURS  
WORKED BY HEALTH CARE WORKERS

This item was informational.

## DISCUSSION OF WIS STAT, SEC 450.13(2) PRE-PRINTED PRESCRIPTION PADS

The Medical Examining Board's opinion is that pre-printed information is allowable as long as the doctor must make a physical mark indicating their orders. Discussion on this issue was tabled until the next meeting.

## REVIEW AND APPROVE SCOPE STATEMENT TO AMEND WIS ADMIN CODE SECTION 8.05(5) TO ALLOW DISPENSING OF A 90-DAY SUPPLY OF ANY SCHEDULE III OR IV CONTROLLED SUBSTANCE

This scope statement will be further discussed at the next Board meeting.

## REVIEW AND DISCUSSION OF WIS ADMIN CODE SECTION PHAR 6.08 RELATING TO SECURITY REQUIREMENTS FOR PHARMACIES

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to have legal counsel draft a scope statement to change the language regarding security requirements. Motion carried unanimously.

## REVIEW AND APPROVE SCOPE STATEMENT TO AMEND WIS ADMIN CODE SECTION PHAR 6.04(3)(a) 1,2 PERTAINING TO THE NEED FOR A BARRIER IN PLACE IN THE INSTANCE OF A TEMPORARY ABSENCE FROM A PHARMACY BY A PHARMACIST

The Board reviewed the scope statement and made some language changes.

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to approve the scope statement with the language changes. Motion carried unanimously.

## DISCUSSION OF PHYSICIAN SIGNATURES AND FAX MACHINES AS A PERIPHERAL FOR ELECTRONIC TRANSMITTING DEVICE

A handwritten signature that is manually recorded by the prescriber on to a "palm" unit and then prints directly to paper at the pharmacy via the use of a fax machine is considered a valid signature and prescription since the fax machine is considered a printer of the prescriber's "prescription pad"(the palm unit). Oral prescription orders may be accepted from delegated agents (office staff) of all prescribers since that is considered a secretarial function after the prescription order has been prepared.

## VARIANCE REQUESTS

### PESHTIGO PHARMACY, PESHTIGO

More specific information is needed from Peshtigo Pharmacy before the Board can consider the variance request.

## AURORA PHARMACY, SHEBOYGAN

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to grant the variance request to Aurora Pharmacy. Motion carried unanimously.

## GUNDERSEN LUTHERAN, LACROSSE

The board reviewed the correspondence from Jim Lukas, R.Ph., of Gundersen Lutheran, and suggested that he carefully review his questions and scenarios with private legal counsel and perhaps a pharmacy consultant to advise him through the ramifications of the many proposed scenarios and any possible alternate methods of operation.

## FRESENIUS MEDICAL CARE NORTH AMERICA, PLEASANT PRAIRIE

After review, the board was unable to grant either the license sought, or the requested variances to Fresenius Medical Care North America, Pleasant Prairie. It is unclear what specific types of dispensing activities will be occurring at the Pleasant Prairie location and whether in fact this location (or another) may actually be acting as a distributor, or participating in a hybrid central fill operation.

The Board requested that a representative of Fresenius make arrangements to meet with the Board to review the application in detail to clarify what specific acts are being performed from the Pleasant Prairie, Wisconsin, location.

## PRACTICE QUESTIONS

The Board reviewed the practice questions and directed legal counsel to respond.

## NABP REGISTRATION FORM

Patrick Braatz handed out the NABP registration form for all the Board members to complete.

## NABP MEDICATION ERROR REPORTING AND PREVENTION

This item was informational.

## REPORT OF CONTROLLED SUBSTANCES BOARD

The CSB has not met since the last PEB meeting.

## REGULATORY DIGEST

The *Regulatory Digest* is almost ready to be published.

## RECESS TO CLOSED SESSION

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to recess to closed session pursuant to Chapter 19.85(1)(a), (b), (f) and (g), Wis. Stats., for the purpose of personal appearances, deliberation of proposed stipulations, considering requests for stays of suspensions and modifications in board orders, reviewing case status reports, discussion of examination issues, preparing for the October and December exams, and consulting with legal counsel. Roll call vote: Cynthia Benning – yes, Michael Bettiga – yes, John Bohlman – yes, Dan Luce – yes, Charlotte Rasmussen – yes, Sue Sutter – yes. Motion carried unanimously.

Open session recessed at 1:11 p.m.

## RECONVENE IN OPEN SESSION

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 4:01 p.m.

## VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

### PERSONAL APPEARANCES

#### ROGER IVERSON, RPH

MOTION: Cynthia Benning moved, seconded by Michael Bettiga, to deny the request for a stay of suspension to Roger Iverson, R.Ph., for non-compliance with his Order. Mr. Iverson must be in compliance for 90 days before he may repetition the Board. Motion carried unanimously.

#### KEVIN PAMPUCH, RPH

Kevin Pampuch did not appear as scheduled. Dan Luce was absent during deliberation and abstained from voting.

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to grant a one-month stay of suspension to Kevin Pampuch, R.Ph., and to inform Mr. Pampuch that his therapist must send a letter outlining Mr. Pampuch's compliance with his Order. Dan Luce abstained. Motion carried.

JEFFREY VERZAL, RPH

Jeffrey Verzal, R.Ph., did not appear as scheduled.

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to grant a three-month stay of suspension but deny the request for hours as pharmacist in charge to Jeffrey Verzal, R.Ph. Motion carried unanimously.

REQUESTS FOR STAYS OF SUSPENSIONS/CHANGES IN BOARD ORDERS

CORY FORD, RPH

MOTION: Michael Bettiga moved, seconded by Sue Sutter, to grant a three-month stay of suspension but deny the request for a reduction in therapy to Cory Ford, R.Ph. Motion carried unanimously.

WILLIAM KARWOSKI, RPH

MOTION: Charlotte Rasmussen moved, seconded by Cynthia Benning, to grant a three-month stay of suspension to William Karwoski, R.Ph. Motion carried unanimously.

RALPH KOCH, RPH

MOTION: Cynthia Benning moved, seconded by Dan Luce, to grant a three-month stay of suspension to Ralph Koch, R.Ph. Motion carried unanimously.

JAMES MEYER, RPH

MOTION: Michael Bettiga moved, seconded by Dan Luce, to grant a three-month stay of suspension to James Meyer, R.Ph. Motion carried unanimously.

PAUL NELSON, RPH

MOTION: Sue Sutter moved, seconded by Cynthia Benning, to grant a three-month stay of suspension but deny the request for modifications to the Order to Paul Nelson, R.Ph. Motion carried unanimously.

MICHAEL O'KRAY, RPH

MOTION: Dan Luce moved, seconded by Cynthia Benning, to grant a three-month stay of suspension to Michael O'Kray, R.Ph. Screens will remain at eight (8) random screens per month, but Mr. O'Kray may delete meperidine and fentanyl from his screens and may extend the drug-testing window to eight (8) hours during the workweek. Motion carried unanimously.

ANDREW RICE, RPH

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to grant a three-month stay of suspension to Andrew Rice, R.Ph. Michael Bettiga abstained. Motion carried.

JOHN R SCHMITT, RPH

MOTION: Sue Sutter moved, seconded by Dan Luce, to deny the request for a stay of suspension to John R. Schmitt, R.Ph. Based on the letter of August 28, 2001, the Board finds the practice of pharmacy by John R. Schmitt, R.Ph., to be a danger to health, safety and welfare of the public. Mr. Schmitt may not repetition the board until he has demonstrated one year of full compliance with the terms of his Order. Michael Bettiga abstained. Motion carried.

THOMAS TRISCARI, RPH

MOTION: Cynthia Benning moved, seconded by Charlotte Rasmussen, to grant a three-month stay of suspension but deny the request for modifications to the Order to Thomas Triscari, R.Ph. Motion carried unanimously.

PROPOSED STIPULATIONS

THOMAS W GISWOLD, RPH

MOTION: Sue Sutter moved, seconded by Michael Bettiga, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Thomas W. Giswold, R.Ph. Case advisor was Dan Luce. Motion carried unanimously.

THOMAS W MOORE, RPH

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to return the proposed stipulation in the matter concerning Thomas W. Moore, R.Ph., to DOE. Case advisor is Dan Luce. Motion carried unanimously.

JAMES R GROVES, RPH

MOTION: Cynthia Benning moved, seconded by Sue Stutter, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning James R. Groves, R.Ph. Case advisor was Dan Luce. Motion carried unanimously.

ST JOSEPH'S HOSPITAL PHARMACY

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning St. Joseph's Hospital Pharmacy. Case advisor was John Bohlman. Motion carried unanimously.



ALLAN J LOEB, RPH

MOTION: Cynthia Benning moved, seconded by Dan Luce, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Allan J. Loeb, R.Ph. Case advisor was John Bohlman. Motion carried unanimously.

STACEY N BERNARD, RPH

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to return the proposed stipulation in the matter concerning Stacey N. Bernard, R.Ph., to DOE. Case advisor is John Bohlman. Motion carried unanimously.

CHAD RINDY, RPH

MOTION: Michael Bettiga moved, seconded by Cynthia Benning, to adopt the Findings of Fact, Conclusions of Law and Order in the matter concerning Chad Rindy, R.Ph. Case advisor was John Bohlman. Dan Luce abstained. Motion carried.

THOMAS G PIRE, RPH

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to return the proposed stipulation in the matter concerning Thomas G. Pire, R.Ph., to DOE. Case advisor is Michael Bettiga. Motion carried unanimously.

CASE STATUS REPORT

MOTION: Sue Sutter moved, seconded by Charlotte Rasmussen, to close complaint **00 PHM 054** against **Patricia Walther, R.Ph.**, for no violation. Case advisor was John Bohlman. Dan Luce abstained. Motion carried.

MOTION: Sue Sutter moved, seconded by Cynthia Benning, to close complaint **00 PHM 054** against **John Loppnow, R.Ph.**, for prosecutorial discretion. Case advisor was John Bohlman. Dan Luce abstained. Motion carried.

MOTION: Cynthia Benning moved, seconded by Sue Sutter, to close complaint **00 PHM 054** against **Walgreens, Appleton and Michelle Long, R.Ph.**, for prosecutorial discretion. Case advisor was John Bohlman. Dan Luce abstained. Motion carried.

INFORMATIONAL ITEMS

The Board noted the informational items.

## ADJOURNMENT

MOTION: Dan Luce moved, seconded by Michael Bettiga, to adjourn the meeting.  
Motion carried unanimously.

The meeting adjourned at 4:15 p.m.

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